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MAY 0 1 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Maria Patricia NUNEZ-Acosta, Defendant.	Magistrate Case No.: '08 MJ 8368 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about April 14, 2008, within the Southern District of California, defendant Maria Patricia NUNEZ-Acosta, did knowingly and intentionally import approximately 79.84 kilograms (175.65 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Hugo A. Leon, Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, MAY 1,, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Maria Patricia NUNEZ-Acosta

STATEMENT OF FACTS

This complaint is based on the personal observations, investigation, and information furnished to U. S. Immigration and Customs Enforcement Special Agent Hugo A. Leon.

On April 14, 2008, at approximately 1952 hours, Maria Patricia NUNEZ-Acosta, a citizen of Mexico, entered the United States from Mexico at the Calexico, California West Port of Entry. NUNEZ-Acosta was the driver and sole occupant of a white 1993 Ford F-150 bearing Baja California, Mexico license plates AM21108. Customs and Border Protection (CBP) Officer E. Garcia was assigned to Vehicle Primary Lane Nine (9) of the Calexico West Port of Entry when NUNEZ Acosta approached for entry.

CBP Officer Garcia received a negative Customs declaration from NUNEZ-Acosta. CBP Officer Garcia noticed that NUNEZ-Acosta became nervous and began to avoid eye contact as he asked her routine questions. CBP Officer Garcia escorted the F-150 and NUNEZ-Acosta to Vehicle Secondary for further examination.

In Vehicle Secondary, Canine Enforcement Officer David Ragsdale utilized his Human-Narcotic Detector Dog (HNDD). HNDD alerted to the spare tire of the F-150. CBP Officer Garcia inspected the F-150 and discovered several brown postal tape wrapped packages concealed inside all the tires of the F-150, including the spare tire and in the rear gas tank of the F-150. CBP Officer Garcia probed one of the packages producing a green, leafy, organic substance that field-tested positive for the indication of marijuana. A total of forty four (44) packages were removed from the F-150. The total weight of the packages was approximately 79.84 kilograms (175.65 pounds).

NUNEZ-Acosta was advised of her rights per Miranda. NUNEZ Acosta stated to Special Agent Leon that she understood her rights and was willing to make a statement without an attorney present. NUNEZ-Acosta denied knowledge of the marijuana found concealed in the F-150, stating that she borrowed the F-150 from her boyfriend Eduardo Corral.